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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARIO GONZALEZ,  
  
Defendant.

CASE NO. 2:20-CR-00013-WBS  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: March 28, 2022  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By several previous orders, this Court granted previous counsel's motion to withdraw as counsel for defendant, appointed the undersigned counsel to represent the defendant, and—based on a stipulation from the parties—set this matter for a status conference on March 28, 2022.

2. Since the appointment of new counsel, the undersigned counsel has received discovery from defendant's previous counsel and has been working with an investigator to review the discovery. The undersigned defense counsel avers that he needs additional time to complete his review of the discovery, and his investigator needs additional time to investigate the facts of this case.

3. Accordingly, the defendant moves to continue the previously scheduled status conference until May 16, 2022, and to exclude time between March 28, 2022, and May 16, 2022, under Local Code

1 T4.

2 4. The parties agree and stipulate, and request that the Court find the following:

3 a) The government has represented that the discovery associated with this case  
4 includes photographs, several video and audio recordings, police reports, prior arrest reports, and  
5 documentation of the defendant's prior criminal history. All of this discovery has been either  
6 produced directly to defendant's previous counsel and/or made available for inspection and  
7 copying. Defendant's new counsel avers that defendant's previous counsel has given him access  
8 to this previously produced discovery.

9 b) Counsel for the defendant has changed relatively recently, and new counsel is still  
10 familiarizing himself with the facts of this case. Previous defense counsel filed a motion to  
11 withdraw as counsel of record, and this Court granted that motion, appointing the undersigned to  
12 represent defendant on December 13, 2021.

13 c) In light of this change, and in light of the undersigned counsel's acquisition of the  
14 discovery in this case, the defendant desires additional time to review the discovery already  
15 produced in this case, to investigate the facts of the case and defendant's criminal history, to  
16 discuss the case and case strategy with the defendant, to review the previous filings and orders  
17 entered in this case, and to otherwise prepare for trial. Moreover, defense counsel notes that he  
18 is currently preparing for a trial in another case that is set to occur in April 2022 and could  
19 continue into May 2022.

20 d) Counsel for the government and the defendant have met and conferred and agreed  
21 to continue the status hearing in this case until May 16, 2022.

22 e) Counsel for the government and the defendant agree that failure to grant the  
23 above-requested continuance would deny counsel the reasonable time necessary for effective  
24 preparation, taking into account the exercise of due diligence.

25 f) The government does not object to the requested continuance.

26 g) Based on the above-stated findings, the ends of justice served by continuing the  
27 case as requested outweigh the interest of the public and the defendant in a trial within the  
28 original date prescribed by the Speedy Trial Act.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of March 28, 2022 to May 16, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at the defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interests of the public and the defendant in a speedy trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 21, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ AARON D. PENNEKAMP  
AARON D. PENNEKAMP  
Assistant United States Attorney


Dated: March 21, 2022

/s/ CHRIS COSCA  
CHRIS COSCA  
Counsel for Defendant  
MARIO GONZALEZ

**ORDER**

IT IS SO FOUND AND ORDERED.

Dated: March 28, 2022

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE